

THE MARTHA'S VINEYARD COMMISSION

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Minutes of the Regular Meeting of August 21, 2003

Held in the Olde Stone Building,
33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

Commissioners: James A. Athearn, Chairman (Elected – Edgartown), John Best (Elected – Tisbury), Christina Brown (Elected – Edgartown), Linda DeWitt (Appointed – Edgartown), Jane A. Greene (Appointed – Chilmark), Tristan Israel (Appointed – Tisbury), Katherine Newman (Appointed – Aquinnah), Megan Ottens-Sargent (Elected – Aquinnah), Bob Schwartz (Appointed – West Tisbury), Doug Sederholm (Elected – Chilmark), Linda Sibley, (Elected – West Tisbury), Richard Toole (Elected – Oak Bluffs)

Staff: Mark London (Executive Director), Jennifer Rand (DRI Coordinator), David Wessling (Transportation Planner), Bill Wilcox (Water Resources Planner), Jacqueline Campbell (Staff Secretary), Christine Flynn (Regional Planner), William Veno (Senior Planner)

1. JENNEY LANE (DRI No. 573) – CONTINUED PUBLIC HEARING

Christina Brown recused herself from this discussion and left the meeting room.

Commissioners present: J. Athearn, J. Best, L. DeWitt, J. Greene, T. Israel, K. Newman, M. Ottens-Sargent, B. Schwartz, D. Sederholm, L. Sibley, R. Toole

Representatives for the Applicant: John Abrams of the South Mountain Company, Andrew Grant, Project Engineer, Sourati Engineering Group, Inc.

There being a quorum present, Richard Toole, Hearing Officer, opened the Public Hearing at 7:40 p.m. and read the Notice of Public Hearing.

The Commissioners introduced themselves.

Richard Toole requested Staff to answer some questions that had been raised at the last Public Hearing before hearing from the applicant.

1.1 Staff Reports

Jennifer Rand gave a follow-up to her staff report.

- She had followed up with the Fire Chief of Edgartown who had not seen the plans but said he needed at least ten feet of driving space to get around. She said that the plans provided for that.
- She said she had conducted a rudimentary build-out of the neighborhood and had determined that roughly ten to twelve new homes could be built, and that there was no way to determine the expansion potential of currently built upon lots without considerable additional investigation.
- Concerning a zoning correction, she said that the application required a variance, not a special permit, because the bylaw passed at Town meeting changing it to a special permit had not yet been approved by the State Attorney General.
- She cited correspondence received:
 - A neighbor submitted a list of lots and areas of potential expansion around Curtis Lane and Pine Street.
 - Two letters with concerns about safety, traffic and advocating access to the project through the Jenney property from Main Street.
 - A letter concerning the quality of life.
 - A letter asking that if the project was approved, the entire neighborhood be sewerred, that the parking lots be moved to the common area, and that the number of housing units be decreased to 8.
 - Another letter suggested that the Jenney land be subdivided, auctioned off and people permitted to build their own homes.

Bill Wilcox reported the following.

- In the Board of Health letter to the Planning Board, they requested that measures be taken to extend a municipal sewer into Pine Street and Curtis Lane or to make future service more feasible.
- Matt Poole, Health Department Agent, indicated that the septic systems in the area are generally older and soil percolation is not ideal through the area. Sewer collection is seen as a desirable next step in this area. He said that as proposed, the project not only ties in the new units, but also the Fisher apartment units.
- Joe Alosso, Edgartown Wastewater Superintendent [who was present in the audience], indicated that the Sewer Commission is planning to seek Town Meeting support in the near future, possibly April of 2004, for sewer service to the area. If however, Town Meeting support does not materialize, it would be helpful if the Applicant's proposed gravity sewer pipe that would serve the Jenney Lane Project and Fisher Road Apartments were sized to handle additional flow and positioned to allow tie-in of other nearby properties.
- He said that in regard to soil types and percolation, he had received from Schofield, Barbini & Hoehn, Inc. test boring results that indicated a soil profile of dense silty sand at 5 to 9.5 feet below the surface in the proposed parking area at the Fisher Road end of the complex. However, the applicant did take that into account in their design and their opinion was that the soil was suitable for the drainage system for the proposed parking areas.

Jim Athearn asked how the applicant incorporated the soil profile into their design. **Bill Wilcox** answered that the heavier, denser material found near the parking area of the Fisher Road Apartment complex and the infiltration system was a set of diffusers, which were higher up. It was not a leaching pit, but almost a leaching field type design. So they were putting the storm water a little higher in the soil profile to allow for percolation before it started to encounter the denser material. **Jim Athearn** asked when it encountered denser material at 7 feet wasn't that going to start saturating up if it was not draining well. **Bill Wilcox** replied only if the diffusers are not spread over a large enough area. **Jim Athearn** asked why not make a pit that goes below 7 feet, right down to the sand. **Bill Wilcox** said the vertical extent of the dense silty sand is relatively unknown. It may get denser as you go down. The soil boring at the parking area near the Fisher Road complex went down about 9.5 feet, and they were still in dense silty sand at that level. The other boring near Pine Street was primarily sand and penetrated down to 8 feet. That is where the applicant is proposing the use of leaching pits.

Jim Athearn said that it seemed like a good idea that this project might be an opportunity for Curtis Lane and Pine Street to take a step towards their desired sewerage. He asked **Joe Alosso** what would the future capacity of the sewer plant be if the entire neighborhood were added to the sewer line. **Joe Alosso** said that when the plant was originally built, it took into consideration the development of Curtis Lane. It would still have plenty of capacity to deal with other areas. **Jim Athearn** asked if that area was put on line, how much capacity would be left for other neighborhoods that might later come on line. **Joe Alosso** said that the plant currently runs at about 50% capacity, the design capacity is 750,000 gallons per day and the plant does not exceed 400,000 gpd in the summer. There is plenty of capacity.

Jane A. Greene asked whether there was any need for grinder pumps if this was a gravity fed system. **Joe Alosso** responded that the project proposed gravity feed of sewage to Main Street but that he would propose a low-pressure, grinder pump system because he thought this method would be the most cost-effective way of doing the sewer work and it would prevent disrupting that neighborhood since the roads would not need to be ripped up.

David Wessling said he had nothing new to report on traffic since he had not received the clarifications from the Applicant he had asked for. He remained concerned that the intersections were evaluated as three-way rather than four-way intersections.

Jim Athearn said that he had been weighing the impact of the traffic on the neighborhood and that the impact on the intersection was negligible but that the amount of traffic added to Pine and Curtis was in the nature of approximately 20%. **Mark London** said he thought it was 12%. **David Wessling** said that because the Applicant's consultant did not model the intersections as 4-way intersections, he could not say if the figures are too high or too low.

Jim Athearn asked – putting aside considerations regarding the intersections, assuming that they are a problem – as far as the quality of life along the roads is concerned, how does the 12% increase in traffic affect the quality of life of people living along the roads and children playing in the streets? **David Wessling** responded that the roads are congested now and that there are no sidewalks. He would advise people in the neighborhood to be cautious using the streets. **Bob Schwartz** clarified that sidewalks existed on one side of both streets at least to Fisher Road, but there were none along Fisher Road.

Tristan Israel commented that there had been letters concerning having a separate entrance to Main Street. He asked whether there were any traffic numbers or if we had a figure for what the impact of such an entrance would be on Main Street. **David Wessling** said that the official

policy was that the Applicant should do that. **Tristan Israel** said good, then Andy Grant should have that information.

1.2 Testimony from Public Officials

There was none.

1.3 Public Testimony

Richard Olson, 2 Long Hill Road, said that he had lived on Long Hill Road for eight years, which is reached via Curtis Lane and Pine Road. He walks his two dogs every night around Pine Road and Curtis Lane and seldom saw more than four cars. He said he drives around the area four times a day and, in eight years, had never had to pull over except for the odd truck. He said that these are our streets, they serve us and I assume that the people who move here will also take care. This is a year-round neighborhood and this project would be for year-round residents.

Sylvia Thomas, 40 Curtis Lane, said that she was concerned that the traffic study did not include the road going up beyond the nine houses on Curtis Lane to the rotisserie. That is where the bottleneck was. She said that she had done a survey concerning building lots and found that there were six to eight vacant lots, five to six lots could be subdivided, and five houses could be expanded. She was told that there were two vacant lots on Pine. She also mentioned other recent and possible garage apartments. She said that the traffic study indicated that visitors would be compelled to use alternate means of transportation, which was not realistic. She asked about truck traffic. She said there were two easements that went with the development; one of 120 feet and the other 20 feet, and that the neighbors were told that the access would go through one of them. They were later told that this would not work. She questioned why there would be any traffic going through the streets. She thought conditions could be put on the development to put a sewer system on Fisher Road; the area should be cleaned up and have plantings, have trash bin areas provided on Fisher Road, even if it meant cutting down on the number of houses.

Everett Gale, 11 Curtis Lane, sent a letter to Mr. Abrams that he read. He lived close to the convenience store and was concerned about the store's customers being permitted to park on the side of Curtis Lane in his area. **Richard Toole** said that issue was beyond the scope of the public hearing.

Ed Rogers, 11 Pine Street, would like to see the project approved but was concerned that the development plan was on the order of a military setup. He thought that homeowners should have their own driveway and yard.

Dave Wiley, 61 Pine Street, pointed out the two easements from Curtis Lane on the site plan to the audience, one of which had good access into the area he thought. He said that using one of those easements would reduce the impact for some, but not all, of the people on Curtis Lane. He mentioned that there was a drainage problem on Fisher Road which needed to be corrected. He also commented that he worked daily on Pine Street and noted that most of the people there were working class people going to their jobs, and saw only summer people riding bikes or walking. He said that the traffic situation would be an impact on the neighborhood.

Everett Gale said that that proposal of the easement would go right by his house. He said that the entrance onto Curtis Lane was very narrow and that it would not be a practical solution.

Linda Sibley commented that she thought a member of the Edgartown Planning Board, **Alison Cannon**, was present and asked her how many of the issues that had been raised were issues that the Edgartown Planning Board could deal with. **John Abrams** confirmed that the project would go to the Planning Board. **Alison Cannon** said that she was not sure who would have the authority. **Jim Athearn** asked whether the Planning Board could be involved in the Town's decision on the sewerage. **Allison Cannon** said that the Town had not moved ahead because funds were not available and the neighbors were not prepared to contribute financially. **Jim Athearn** asked whether there wasn't some way to have the applicant's investment directed the right way so it would be there when the sewerage took place. **Allison Cannon** said that this would have to be with the Wastewater Commission.

Alison Cannon noted there were letters of support from town boards submitted to the Commission. **Tristan Israel** stated that in addition to general support, more specific information from town boards about issues such as traffic and wastewater would be useful. **Alison Cannon** said that the Planning Boards' concern was the traffic around the two gas stations, which each had multiple businesses. Perhaps those establishments could be persuaded to reconfigure their traffic arrangements, so that there would not be a lot of cars coming in from different directions.

Richard Toole commented that her suggestions were beyond the scope of what the Commission could do.

Paula Foss, 53 Curtis Lane, said that there should be more work on the traffic solution, that the project did not harmonize, that she had reservations about fire safety, and was concerned about cleaning up the Fisher Road project.

1.4 Applicant's Response

John Abrams said he would attempt to respond to questions beyond the build-out and percolation information addressed by Jennifer Rand and Bill Wilcox. There were several questions about traffic that Andy Grant would address. He also commented that Joe Alosso had indicated that it would be beneficial if a sewer system went in and was sized for additional flow to allow others to tie in – that the project would be happy to have their investment in sewerage be part of the overall solution, if it could be done in a timely fashion.

Andrew Grant prepared the traffic assessment.

- With respect to the consideration of the Main Street/Curtis Lane intersection as a three-way instead of a four-way intersection, this had been brought up at LUPC and the priority identified was the impact on left turns. He never considered turning the intersection into a four-way stop. Even as a classic four-way intersection, it would not be appropriate. The study looked at the timing of different types of movement. Some of the conflicting movements such as both sides making a left turn simultaneously. Doing this study would be a great deal of additional work and they had asked LUPC to simplify the process. However, in his analysis, he "piled on" the problems including calculating the impact of pedestrians. He took the worst 15 minutes, applied it to a full hour, added additional traffic from the gas stations and tested the results compared to the existing situation and found it to be accurate. From time to time, people have to be waved in, but generally, people exit the intersections without any problem.
- With respect to making the only access off of Pine, they took the 19 peak hour trips in each direction and added that figure to Pine. Curtis Lane would be virtually unchanged. The result is only a few seconds additional delay: the existing 31-second delay would go to 33 seconds if split between the two roads, and 35 seconds if all the traffic was on Pine. The

service level would remain at level D. The calculations included the impact of the two gas stations that muddles up the analysis – he noted that some people back onto Curtis Lane. The limit of 35 seconds is the demarcation between a "D" and "E" LOS, however the difference is marginal, "it is not like falling off a cliff."

- He did not have any suggestions as to how the mitigation of the traffic impact of the two gas stations. The space is not available. In terms of the impact of the two gas stations, the one on Curtis Lane has more of an impact because it has more traffic on the road. Pine has Greater visibility; Curtis Lane has vegetation that needs trimming.
- With respect to the possibility of using the Jenney's Driveway, he said that this was not on the table. However, he commented that if Main Street were in the Island Road District, no new curb cuts would be allowed. This is now a lightly used private driveway and directing traffic to it would effectively create a new curb cut. The two side streets have the capacity to accommodate the traffic, so there is no justification for a new curb cut. Creating an additional turning movement on Main Street would cause additional congestion with only token improvement to the side streets. In retrospect, it would have been better to consolidate many curb cuts on Upper Main Street and Upper State Road.

Megan Ottens-Sargent said what seems to be a concern with using Curtis Lane or Pine Street, beyond the impact of traffic in the area, is safety. If we were to consider another curb cut theoretically with that as the concern, would you still maintain that we do not need to look at another curb cut? **John Abrams** reminded the Commissioners that Police Chief Paul Condlin has been very clear about that. That those two streets are safe, but would not be safe if another curb cut was done. **Megan Ottens-Sargent** said that she wanted to hear from a traffic standpoint how safety was addressed in this proposal. **Andrew Grant** said that he had heard the concern of safety come up. At intersections, safety was usually tied to the sight distance available for drivers, and adequate sight distance was available for most of Upper Main Street. As far as traffic on the side streets being unsafe, slower traffic was usually safer. In other places where there have been incidences of speed-related traffic accidents, as being unsafe for pedestrians, planners have sought to narrow roadways to slow down traffic and increase space for pedestrians. Essentially, this is what has already been created on Pine Street – to an extreme. It was unfortunate they did not have a little more room so we could provide a proper sidewalk along Curtis Lane. It was a trade off between the road being so narrow that pedestrians' needs weren't met, but promoting cars to go slow.

John Abrams commented that:

- When we discussed traffic, the intention was to be conservative. He had driven hundreds of times on Curtis Lane and the surrounding roads this past year, and found that they were some of the quietest roads on the Vineyard, that you didn't pass people.
- With respect to sewerage, we would like to make a situation that is not too good, better, and hopefully would inspire the Town to do what they ought to do to make it even better. If the Town could move swiftly, we would be happy to contribute to the sewerage.
- Concerning the House Allocation Selection Process, he had covered this process fully in the written materials and the presentation. He mentioned that Jennifer Rand had discovered a clerical glitch. He was very committed to using the by-law, rather than the 40B. As it was written it had a 50-foot perimeter setback. It was written for much larger properties. There was no provision to waive that, and in a situation like this would render a lot of the property unbuildable. Last April, the Town voted unanimously to approve an amendment that allowed the Planning Board to waive the setback. Jennifer Rand discovered a few days ago, that the amendment sat in a pile of papers for 4 ½ months and never got submitted to

the Attorney General for approval and therefore it is not yet legally part of the zoning bylaw. Both the Planning Board and town counsel Ron Rappaport are working to get it through in record time. As of now, he thinks the Commission will need to make it a condition for the project's approval that the by-law is accepted.

- Fisher Road had an easement that allowed the Housing Authority to make improvements to the road, but there was a feeling that the use of Fisher Road might be contested as overburdening the road. It was suggested that the Applicant approach the Smiths to use the easement in exchange for several improvements. When they were on the verge of signing the agreement, their son, Nelson Smith, got involved and was concerned about the proposal devaluing the property. Nelson Smith would not sign the agreement, and made it clear that he might never sign it. The ownership of Fisher Road is not clear. Last Tuesday, The Edgartown Board of Selectmen agreed to put on the warrant for the Town meeting and to support the taking of that road and make it into a town road. We will remain open to using Fisher Road as the project is designed, either by easement agreement, or by right it could become town property.
- **John Abrams** said he was asking the Commission, to approve the project with the Pine Street access only. There was only one change to the plan, and that was that this leg that was an internal vehicular path, but not a road, would become a 14 foot paved road. He thought this was a slightly less desirable plan that they were asking approval for, and asked the Commission to condition its approval in whatever way it thought proper, but suggested specifically two ways. Firstly, that the Attorney General would approve of the plan and secondly, if the Applicant was able to obtain access to Fisher Road, the Applicant would go back to the previous plan. He asked the Commission to approve this project tonight.

1.5 Members of the Commission

Tristan Israel asked why ten units. **John Abrams** said that the only comment from the Edgartown Planning Board was why not more, and that if there were fewer units, there would be less affordable housing and it would cost more.

Robert Schwartz commented that everything that he had heard suggested that using Fisher Road should be avoided at all costs. That it had all kinds of problems and, in addition, a road was proposed between two apartment buildings, which would destroy their yards. He questioned why the plan the applicant first designed was preferable. **John Abrams** said that he felt that design was important as it brought the two together to share facilities. He also felt that it might be a better split of traffic usage.

Doug Sederholm said he did not understand why the applicant did not utilize the easement that was in effect. **John Abrams** answered that there was only 20 feet between the two buildings and it was not a practical location for a road.

Doug Sederholm commented that he was not confident that the applicant would be allowed to use a special permit since he was not sure that the town was within the time limit to go to the Attorney General. **John Abrams** said that, if this happened, they would reapply under 40B.

Jim Athearn asked about the Pine Street parking lot and wondered why the two proposed houses closest to Pine could not be moved to where the parking lot was and put the parking lot where the houses were. **John Abrams** said that this could be done, but saw no advantage since the houses would have open yards, whereas the proposed design would allow for the preservation of the existing vegetative buffer.

Mark London asked John Abrams to clarify the use of the central road in the previous proposal, asking whether the existing strips of land could be used as a pedestrian-only zone. **John Abrams** said no, it could be used by emergency vehicles and other vehicles.

John Best asked whether the existing easements could be used for pedestrian and bike access, particularly in the absence of the Fisher Road access. **John Abrams** said that there had been long-standing promises not to use them, but no legal arrangements that would prevent such use.

Tristan Israel questioned the density and the number of parking places, and asked wouldn't working people have trailers, boats? **John Abrams** explained that a thousand units of affordable housing are needed on the Island. Homeowners would not be able to store boats on their property. The Housing Authority was considering limiting the number of parking places in the Fisher Road Apartments, as they had provided four guest parking places, which they felt were adequate.

Jane A. Greene asked about possible parking spaces for guests of the homeowners. **John Abrams** said that there was room to add more parking spaces if needed. If the Commission felt it should be conditioned, that would be no problem.

Jim Athearn asked about the large lots remaining in the Jenney property. He realized that there would be no vehicular access but asked about pedestrian access. **John Abrams** said that there would not be a formal walkway.

John Abrams said that the largest lots would be restricted from any additional subdivision, meaning that the Jenney's were foregoing considerable additional subdivision of their property.

Linda Sibley asked whether a design for some additional guest parking, perhaps as much as ten, could be shown on the plan if necessary in the future, but not done now. **John Abrams** said that this could be done.

Jane A. Greene asked whether the public had any comments on the changed entrance.

1.6 Public Comments

Steven Warriner, 37 Pine Street, said that this was a dramatic change, having everyone coming out from Pine Street. He requested that the public record be kept open for a week, as he would like to have time to think about the new plan.

Sylvia Thomas, 40 Curtis Lane, said she was opposed to bringing all the traffic to Pine Street and that there should be two entrances. The buildings impacted would be garage and a shed.

Ed Rodgers, 11 Pine Street, mentioned that the counters of the traffic studies were run across his front door and missed all the traffic going to the delivery area and air pumps of the jail. He thought that the traffic situation on Pine and Main Streets was higher and should be classified at the same level as Curtis Road, or classified at an "E" or possibly a "F" level.

Jeffrey Wooden, of Pine Street, questioned the conclusions of the traffic study and was concerned that having all the traffic go onto Pine would present a huge problem.

Dave Wiley, of Pine Street, said that the traffic should be distributed onto both streets. He is willing to share the increased traffic but doesn't want it all.

John Abrams agreed that it was better to split the traffic and support the town's effort to make Fisher Road a town road, making it a good, safe road. They will make the proposed

improvements to the Fisher Road apartments whether that access is opened or not. The applicant's budget for improvements to Fisher Road would be contributed to the Town.

Kristin Warriner, 39 Pine Street, would not repeat that the traffic on Pine Street was horrendous, but wanted to be sure that people understood that one SUV could not pass another on a narrow portion of Pine Street, unless one vehicle went up on the curb.

Jim Athearn asked how many members of the public would prefer switching the parking lot and two houses close to Pine Street.

Patricia Ing, 61 Pine Street, said that she knew Fisher Lane was not the best location for more traffic, and that it would not be appropriate to have all the traffic on Pine. She thought that the traffic should be diluted through the development. She stated that the people of Curtis Lane were very accepting of the project, and that they lived in a very nice neighborhood; let's make it better, not create a problem. We need harmony in the neighborhood.

Katherine Newman commented that people may have trouble envisioning the building configuration of this development and suggested a drive out to the co-housing site to get a better sense of what the project would be like.

Sylvia Thomas said they had visited the site and felt that it was out of place with the neighborhood, and that there was more conservation land there. She mentioned that the Town had been approached to acquire the road. Many other people have asked for their roads to be accepted by the Town and she wondered how this project could be moved to the top of the list.

Jamal Brown said that the easement on Curtis Lane would be between a garage and a shed with a summer cottage. He thought that easement would be a good location for a second road and parking could also be rearranged.

Peter Lally, 21 Curtis Lane, lived in the house next to the proposed access. He said that people complained about the access, but putting a road 10 feet from someone's house would ruin their life.

Richard Toole closed the Public Hearing and noted that the written record would remain open for one week.

Chairman Jim Athearn declared a recess to the meeting at 9:30 p.m. and resumed the meeting at 9:40 p.m.

2. BEACH ROAD REALTY TRUST (DRI No. 535M) – CONCURRENCE VOTE

Commissioners present: J. Athearn, J. Best, C. Brown, L. DeWitt, J. Greene, T. Israel, K. Newman, M. Ottens-Sargent, B. Schwartz, D. Sederholm, L. Sibley, R. Toole

Representative for the Applicant: Bruce MacNelly, Project Architect for Peter Rosbeck, Owner.

Bruce MacNelly explained:

- When the Beach Road Realty Trust proposal was made, there were several alterations that resulted with a Site Plan that was accepted.
- The project was in a waterfront district and therefore had involvement with the Vineyard Haven Review Committee.
- There had been legal considerations between the two owners. Construction should start in a few months, and they would like to request an extension on their permit.

- The two owners would now separate the property and no longer want the proposed turn-around area on the adjacent property. The new proposal was to shift the two buildings closer together so the turn-around could take place on an existing easement. The number of parking spaces would not change, nor would the vegetation based on the final discussion and decision on that issue.
- The reduced setback had not yet been approved by the building inspector. Discussions were underway.
- The owner of the Art Cliff Diner had been informed and had no problem with the plan. She didn't have time to send a letter, but the Commission's approval could be conditioned upon receipt of her letter if desired. It was not clear whether the vegetation in the back of the Art Cliff Diner was on their lot. If the vegetation was on their lot, it would be removed.

John Best said that he believed that Virginia owned the diner but that Pat Luce owned the property.

Linda Sibley said that at the original hearing, the issue of overburdening the lot was addressed by using the adjacent land, whereas this change could mean more crowding of the lot.

Tristan Israel said that he wondered whether the changes were significant enough to justify going back to a full-blown review process. He thought that the plantings should be cedars.

Megan Ottens-Sargent asked about making the buildings smaller. **Bruce MacNelly** said that if they were required to go back to a Public Hearing, they would just proceed as it was previously approved. They had worked with the Commission in getting that approval, making many changes with 13 meetings over the course of a year. They did not want to potentially have to do that again. However, he had no problem with tweaking the planting plan.

Megan-Ottens-Sargent left the meeting at 9:55 p.m.

Christina Brown reported on the August 18, 2003 meeting of LUPC. There had been a concern about the viability of planning in a 4 foot strip. With one abstention, the LUPC recommendation was for non-concurrence; that the project change did not warrant a new Public Hearing.

John Best asked whether it was possible to make the strip larger than 4 feet. **Bruce MacNelly** said it could be made 8 feet.

Jane A. Greene moved and it was duly seconded that the Commission not concur with the town's DRI referral, provided that the setback behind the Art Cliff Diner be 8 feet and that the sunset clause be extended by two years.

Christina Brown said that LUPC considered that an advantage of the current plan was that it would allow more room for a bike path easement. **Bruce MacNelly** said that had never been finalized as an easement but was a verbal commitment.

Tristan Israel said that he had been quite pleased about the last process.

Tristan Israel moved and it was duly seconded that an amendment to the motion to accept the Applicant's offer to use red cedar plantings instead of arborvitae, provided that the Applicant's landscape architect confirmed its viability.

Jim Athearn said that he was concerned about planting cedars in the shade whereas arborvitae would work in the shade.

In favor 10. Opposed 0. Abstentions 0. The motion carried.

Robert Strauss and Katherine Newman left the meeting at 10:10 p.m.

3. DISCUSSION AND POSSIBLE VOTE OF WOODSIDE VILLAGE VI AND AIDYLBURG II

The discussion on these items was postponed because of lack of a quorum of Commissioners eligible to vote on the proposals. The Commission decided to place this matter on its agenda for September 4, 2003, after the CK Associates Public Hearing.

4. UPCOMING LUPC MEETINGS AND SITE VISITS

Jennifer Rand stated that there would be a LUPC Meeting on August 25, 2003, at 5:30 p.m., in the first floor meeting room of the Commission offices on Humphrey's Bakery (DRI No. 570), State Road, Tisbury, for a traffic waiver.

5. ADOPTION OF MINUTES FROM AUGUST 7, 2003

This item was postponed to the following meeting.

The Meeting adjourned at 10:15 p.m.

Chairman

Date

Clerk-Treasurer

Date